UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/SR.36
27 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 February 1991, at 4.30 p.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

later: Mr. VASILENKO (Ukrainian SSR)

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GE.91-10864/2922B

The meeting was called to order at 4.55 p.m.

STATEMENT BY H.E. THE VICE-MINISTER FOR FOREIGN AFFAIRS OF FRANCE

1. Mrs. AVICE (Vice-Minister for Foreign Affairs of France) said that the war in the Gulf constituted a grave threat to human rights, but it was a confrontation that the international community had been unable to avoid because of the blindness and obstinacy of a single country. It was her Government's view that the defence of the inalienable rights of a people, and above all its right to self-determination, had made the armed conflict inevitable.

2. She was pleased to see, as Chairman of the Commission, a man many of whose compatriots had shown the courage in difficult circumstances, to defend human rights, fundamental freedoms and democracy.

3. That was particularly significant in that the time had passed in which certain countries or a single part of the world could lay claim to being the champions of human rights. The subject had become a universal concern, and it had become more and more difficult to conceal violations. Similarly, the argument of interference in the internal affairs of a country had increasingly lost its legitimacy as a response to allegations.

4. Clearly, when investigating violations, the international community must respect the countries concerned and their sensibilities. Her Government would not hestiate, however, to denounce human rights violations wherever they had been reliably identified, in a non-partisan spirit and with a view to maintaining mutual respect and an open dialogue.

5. The Iraqi aggression, which was at the origin of the tragic events in the Gulf, had given rise to human rights violations of an exceptional gravity in occupied Kuwait. Not content to trample under foot the sovereignty and dignity of the Kuwaiti people, the Iraqi régime had gone so far as to mistreat civilians deliberately, and children in particular. That was an additional reason for condemning the aggressor in the most severe terms.

6. Her Government had noted with concern the developments in a number of countries, such as Liberia and Somalia, where internecine strife and civil war had led to serious human rights violations. It was also following closely the situation in the territories occupied by Israel.

7. Pluralism and democratic freedoms had increasingly become a reality in Central and Eastern Europe. Her Government supported the efforts of all those who had stood up to defend freedom and who were currently seeking to consolidate those achievements in new political institutions.

8. Her Government was particularly pleased that Albania had set itself the goal of joining the new movement on the European continent. It was aware of the difficulties that subsisted in Romania, but it hoped that the last vestiges of the past would soon irreversibly disappear. The primary goal of the renewed Franco-Romanian co-operation was to strengthen democracy in that country.

9. Confrontation must give way to dialogue in the period of great tension that the Baltic Republics were currently experiencing. Her Government condemned the use of force during the traumatic events in Vilnius and Riga which, in such circumstances, could not but exacerbate the antagonism. It was to be hoped that the three Baltic States could, through negotiation, recover a status in keeping with the aspirations of their populations.

10. In Kosovo, her Government favoured a peaceful solution based on respect for human rights and in the spirit of the Charter of Paris for a New Europe.

11. The countries of Central and Eastern Europe must be able to count upon the assistance of the international community. The United Nations had an important role to play in the area of institutional reforms and human rights, partiuclarly within the framework of the programme of advisory services.

12. Progress was also being made in the area of human rights in Latin America, certain setbacks notwithstanding. Paraguay and Chile had joined the countries that had reinstated democracy and in El Salvador, despite persistent violence, the Esquipulas Agreements and the Geneva talks of April 1990, the first phase of which concerned respect for human rights, had opened the way to a political settlement under the auspices of the United Nations.

13. A number of positive developments had been noted in southern Africa since the forty-sixth session of the Commission, in particular the accession of Namibia to independence and the start of negotiations with a view to the complete dismantling of apartheid.

14. Her Government welcomed the progress made towards democracy in Africa, which should help improve the human rights situation on that continent.

15. France was not indifferent to the complex human rights problems encountered by its partners in the developing world. It did not claim to be the guardian of the truth or to be in a position to lecture those countries, which had rich and admirable traditions, histories and cultures of their own. By solemnly reaffirming, at the summit of heads of State of France and Africa, its conviction that the values of democracy were universal, France had sought to give testimony to its solidarity with poor countries and its readiness to pursue assistance and friendship. By helping those countries on the road to development, it enabled them to move towards democracy. Similarly, by assisting them in their courageous efforts to promote freedom and liberty, it was contributing to their development.

16. The Commission must denounce violations wherever they occurred and work towards implementing measures to ensure that they ceased. The international community's primary duty to the victims was to break the silence. She underscored the irreplacable role of the media and the NGOs; those indefatigable defenders of human rights must be assisted in their work and protected against threats.

17. Her Government supported the Working Group to prepare a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. It thought that the suggestions and recommendations produced at the end of their reports by the special rapporteurs and working groups should be given greater consideration. The same applied to recommendations made within

the framework of the programme of advisory services and those emanating from the Working Group on Enforced or Involuntary Disappearances, which, at the forty-seventh session of the Commission, had proposed a draft declaration to which her Government attached great store.

18. Many Governments had understood that it was in their proper interest to co-operate with the Commission and to adhere to, and implement, the International Covenants on Human Rights. In that context, she wished to stress the special importance of the Convention on the Rights of the Child, an instrument of truly universal scope.

19. Her Government supported the proposal to hold a World Conference on Human Rights in 1993 and to create a Preparatory Committee to help make that ambitious project a success. If the World Conference was to be fruitful, however, it was important to avoid sterile polemics and a complacant attitude.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT (agenda item 12) (continued) (E/CN.4/1991/3, 4, 27, 29-31, 33 and Add.1, 34, 37, 69, 70, 74 and 77; E/CN.4/1991/NGO/5, 27, 30 and 35; S/21907; A/45/567, 578, 607, 630, 664 and 697; E/CN.4/1990/10, 13, 22 and Add.1, 24-26 and 28 and Add.1)

20. Mr. TEXIER (Independent Expert on Haiti), introducing his report on the human rights situation in Haiti prepared in accordance with Commission on Human Rights resolution 1990/56 (E/CN.4/1991/33 and Add.1), said that the report was the result of a study of the situation throughout the year and was based on two missions to Haiti, the first from 27 June to 5 July 1990 and the second from 25 January to 2 February 1991. He thanked the Haitian authorities for allowing him to establish contacts with all segments of Government and society both in the capital and elsewhere, and especially in the Artibonite region, the scene of bitter land disputes.

21. Haiti had made considerable progress over the past 12 months. Just a year previously, Dr. Louis Roy, in exile at the time, had described to the Commission the difficult situation in that country; a few days subsequently, he had returned to Haiti and had been appointed President of the Council of State. Several months later, elections had been held under favourable conditions, and the population had elected a President of the Republic, a Chamber of Deputies, a Senate and mayors of all towns and members of the local councils of administrations.

22. Yet the transition to democracy was still encountering difficulties. In March 1990, General Avril had left the country, and in the hours that had followed, General Abraham had passed the reins of Government to Mrs. Ertha Pascal Trouillot, who had taken charge of a provisional Government composed exclusively of civilians. A Council of State had been created, a control and executive body presided over by Dr. Louis Roy, which functioned like a parliament.

23. The relations between the Executive and the Council of State had rapidly deteriorated, but a real effort had been made by the provisional Government to restore democratic institutions and, in particular, to implement the Constitution of 1987, except for the provisions concerning the legislature.

24. On 27 April, the members of the Provisional Electoral Council had been appointed, and preparations had been made to hold free and fair elections.

25. The report also related the return to Haiti of Roger Lafontant, former head of the Macoutes, and of William Régala, Minister of the Interior during the massacre of November 1987, despite instructions to the contrary from the current Minister of the Interior, and their attempts to destabilize the country and interfere with the electoral process.

26. On 12 October 1990, the forty-fifth session of the General Assembly had adopted a resolution (A/RES/45/2) calling upon the Secretary-General to give technical co-operation in connection with the electoral process in Haiti.

27. The human rights situation for the year 1990 as analysed in the report had been marked by persistent violations in rural areas, particularly in the Artibonite region, political assassinations and impunity of the authors of those violations. The elections on 16 December 1990 and 20 January 1991 had constituted, however, a significant turning-point in the history of Haiti's transition to democracy. For the first time, the people of Haiti had freely chosen a Government.

28. He said that, while the Haitian people should be congratulated on its determination and courage in that new and difficult situation, the Commission should also help to stabilize the democratic process. The President-elect, Father Aristide, had himself said that his election was a stage in the transition to democracy but that democracy had not yet been achieved. The attempted coup d'état of 6-7 January 1991 had shown how fragile the situation was. However, the fact that the coup d'état had been so quickly thwarted was proof of the Haitian people's firm determination not to be deprived of its victory.

29. The massacre in Artibonite on 17 January 1991 also showed that the Commission should not relax its vigilance. Another hopeful sign was that, a few days after the massacre, the President had made a point of sending a commission of inquiry to the scene, which demonstrated his determination to expedite and facilitate the execution of justice. The appointment of Mr. Bayard Vincent, a former Government Attorney, as Minister of Justice was further proof of the resolve to strengthen that ministry.

30. He highlighted some of the conclusions and recommendations of his report. The installation of a Provisional Government in March 1990, backed by a Council of State representative of the various sectors of civil society marked progress over the preceding military governments. The instrument of accession to the International Covenant on Civil and Political Rights had recently been sent to United Nations headquarters.

31. The Government and the judicial authorities had still not taken effective measures to investigate past and present violations of human rights and to bring the guilty to justice. They had not been able to put a stop to the abuses being committed with impunity by section heads in the rural areas or to

prevent the occurrence of serious violations of human rights. The principal obstacles hindering the process of real improvement in the human rights situation in Haiti had not been removed, namely an ineffective judicial system, highly militarized rural areas, the failure to separate the army and the police forces and the fact that the persons responsible for the principal massacres had not been put on trial.

32. The paramilitary forces still retained enough economic and financial power to be still dangerous and to hinder the movement towards democracy. The provisions of the 1987 Constitution had been fully restored, the President had been elected by universal suffrage and legal institutions were currently being established.

33. The most positive outcome in recent times had been the successful elections on 16 December 1990, 6 January and 20 January 1991 which had led to the appointment of a President, a Parliament and mayors throughout the country. The situation regarding respect for economic and social rights were still very disturbing, however, and only the stability of a democratically elected President could rectify the situation.

34. He recommended that the Commission should continue to monitor the human rights situation in Haiti. It should express its concern over the persistence of serious violations of human rights and fundamental freedoms, despite the prospect of real democratic change. The Commission should also express its satisfaction at the smooth way in which the elections had proceeded but it should maintain an independent expert to report on the situation and promote the establishment of technical assistance. If the freely elected President should request technical assistance, it should be granted primarily for the administration of justice, aid to the poorest communities and the police and should respond to the demand for justice which the Haitian people had constantly requested since 1986.

35. Mr. POMPEE (Observer for Haiti) said that, since Mrs. Trouillot assumed office as Provisional President on 13 March 1990, she had taken measures to foster an atmosphere in which the human rights situation would be improved. Despite the difficulties she had encountered, because of the prevailing climate of insecurity and the many attempts to abort the elections, she had steadfastly pursued her mission to hold free elections in the country.

36. A new provisional electoral council had been formed in accordance with the 1987 Constitution. An electoral law had also been promulgated. The provisional electoral council had been provided with the means and materials to set up offices for monitoring the election and for voting. She had also succeeded in persuading the United Nations and the OAS to send observers before and during the election period in order to create a favourable atmosphere for holding the elections.

37. She had, inter alia, issued a warrant for the arrest of Mr. Roger Lafontant, the former Minister of the Interior of Mr. Duvalier and for Mrs. Colette Jacques for her involvement in the bloody massacre during the meeting held by Father Aristide in Petionville on 5 December 1990. The leaders of the failed coup d'état of 6-7 January 1991 had also been arrested.

38. In her work, she had received the support of the armed forces which had contributed greatly to maintaining a climate of security in which the elections could take place and a co-ordinating committee had been formed within the armed forces to ensure the security of the persons engaged in electoral activities. As a result, the electoral officers, members of the provisional electoral council and the various candidates had been able to move freely about the country except for isolated incidents and the bloody events of 5 December 1990. On 16 December 1990, the people of Haiti had democratically elected President Aristide. Since then, the new President-elect had worked unceasingly to secure respect for human rights. He had, for example, created various independent commissions of inquiry to investigate cases of human rights abuses.

39. Haiti firmly intended to ratify the human rights instruments in due course and had, in fact, acceded to the International Covenant on Civil and Political Rights. The instrument of accession had been deposited with the United Nations Secretariat in New York. Given the new situation created as a result of the free elections held on 16 December 1990, the transfer of power on 7 February 1991 and the return to a situation of democracy under the 1987 Constitution, there was no longer any reason for human rights in Haiti to be dealt with under agenda item 12.

40. Mr. SUCUQUI MEJIA (Four Directions Council) said that, in Guatemala, despite the entry into force of a new Constitution in 1986, which gave pride of place to the protection of human rights, and the establishment of a new civilian Government, human rights violations had continued as before. The perpetrators of those violations were military officers and civilian patrols acting under the orders of the army with complete impunity.

41. Under the cover of a civilian Government, the military dictatorship was continuing and the Government was subordinate to the armed forces. The victims of human rights violations included members of his own organization, the Council of Ethnic Communities, nine of whom had been abducted and murdered in 1990, while two more had been executed extrajudicially on 17 February 1991.

42. Most of the victims of the human rights violations were members of the Mayan ethnic group to which 70 per cent of the population belonged. Over the past five years, thousands of them had been direct or indirect victims of such violations and 4,000 had been subjected to extrajudicial executions. In the massacres that were carried out, neither men, women, children nor old people from the ethnic communities had been spared.

43. There was forced conscription into military service on a permanent basis. The conscripts were often minors and invariably members of the indigenous communities. The so-called model villages and development centres were placed under strict military control and were virtual concentration camps. Thousands of indigenous people were subjected to forced displacement as they fled from the repression of the Government's armed forces. The civilian self-defence patrols euphemistically called voluntary committees for civil self-defence, were in fact compulsory.

44. Democracy could not be established in Guatemala under such conditions in which the civilian society, the civilian President, the legal system and the judiciary were dominated and controlled by the armed forces.

45. He was deeply concerned that, because of the lack of co-ordination between the Commission and the work of the United Nations in the field, a Government like that of Guatemala, which had been criticized in the Commission itself for human rights violations, continued to receive United Nations support. The Government of Guatemala had received around 96 million dollars, the bulk of which had been used in the strategic villages which had been criticized by human rights organizations.

46. He hoped that the Government of Guatemala would submit a detailed report of how that aid had been used and suggested that the United Nations establish mechanisms to ensure that the economic aid it gave should be used to secure respect for human rights. On account of the administrative corruption in Guatemala, very little of that aid reached the rural communities.

47. Given that background, his organization urged that the case of Guatemala be transferred to item 12 of the Commission's agenda in view of the consistent pattern of gross violations of human rights in that country.

48. Mr. GAMA (Liberation) said that he was a former Timorese army Brigadier who from liberated areas in the bush had fought the Indonesian invaders from 1975 to 1985. He was a person highly concerned with human rights issues and had, on several occasions, released Indonesian prisoners of war. Therefore, he could not remain silent over the Indonesian treatment of his countrymen and considered it an obligation to denounce the human rights violations that he had witnessed and to which he, too, had been subjected following his surrender to the Indonesian Army in 1985.

49. He had frequently seen the bodies of men, women and children that had been mutilated during Indonesian military operations aimed at destroying small villages suspected of guerrilla infiltration or support. His wife and his cousin had been among the large number of people decapitated by Indonesia in the Vemasse area on 18 December 1980. The atrocities had been committed by two Indonesian captains who, instead of being court marshalled, had been promoted to majors and currently commanded a regiment in Jakarta. His two children, his only children, had been poisoned by Indonesian nurses under the orders of intelligence officers at a hospital in December 1980. Despite the campaigns of terror and massacres waged against the Timorese to intimidate them, they continued to fight for their freedom and independence.

50. After his own surrender to the Indonesian troops on 24 January 1985, he had been taken to the Indonesian capital for interrogation. In September 1985, he had been forcibly conscripted as a carrier of ammunitions and food for the Indonesian troops and efforts had been made to compel him to reveal the whereabouts of the guerrilla army depot which had been previously under his control. Following his refusal to do so he had been taken to an Indonesian army psychiatric hospital at Jakarta where he had remained for three years, during which time he had been subjected to special interrogation techniques.

51. He had not been killed, because his situation had been closely monitored by international human rights organizations. In September 1988, he had been released under certain conditions, one of which was that he was not allowed to return to East Timor. On 5 August 1990, he had succeeded in escaping from Indonesia.

52. He continued to receive reports about the human rights violations which still took place in his country. He appealed to the Commission to do everything possible to stop the genocide of his people and to help secure the release of all political prisoners held in East Timor and Indonesia. Indonesia should comply with the relevant resolutions adopted by the Security Council and the General Assembly and as a founding member of the Non-Aligned Movement, set an example and implement the resolutions adopted at the summit meetings held in Sri Lanka and Cuba.

53. Mr. MELO (Colombia) said that the new Government of his country, which had assumed office in August 1990, was well aware of the need to deal with all aspects of the violence existing there so as to strengthen its institutions and achieve progress in the fight against the factors which had caused it and which had led to an alarming human rights situation. The various measures that had been adopted in recent years had produced some significant results. However, without a substantial reform of the judicial and legal system to enable it to combat impunity effectively and to strengthen the legitimacy of the State, the most determined efforts would be insufficient.

54. His Government had therefore made the process of constitutional reform a central element of its fight for the full respect of human rights. It had put forward a draft incorporating its proposals regarding the constitutional order which it felt should be established. If the draft was accepted, the constitution would include a charter of rights and duties that would set out precisely the rights of Colombians and provide effective remedies to guarantee their respect. The draft provided a fundamental basis for the remedy of habeas corpus and established the remedy of amparo, so that a citizen could demand prompt protection of his threatened rights. The draft set up a Human Rights Defender who was entirely independent of the Government and had full monitoring and investigatory powers.

55. The draft also provided for the prohibition of torture and respect for the rights of indigenous peoples to their territories and the preservation and development of their cultures. A basic aspect of the proposal was the fact that human rights standards should be interpreted in accordance with international treaties and conventions and that the provisions of international humanitarian law would form part of the domestic legal order.

56. The adoption of the new constitution, which was to take place in August 1991, was only one aspect of a comprehensive policy designed to control the factors of violence, achieve peace, and guarantee full respect for the rights of citizens. The Government was continuing to carry out social development programmes in the most backward parts of the country so as to improve conditions for the most vulnerable groups.

57. Between 1980 and 1989, his country had had the highest GNP growth rate in Latin America and that had made it possible to increase the income of employees during that period. Priority was being given to programmes directed towards children, and the President had recently approved an Act of Congress which gave legal status to the Convention on the Rights of the Child.

58. To deal with the violence of a guerrilla warfare which, lacking popular support, had abandoned its ethical principles and had resumed its practice of kidnapping and summary execution of peasants, public officials and political leaders, the Government had maintained a policy of negotiations which was producing results. Four of the six guerrilla movements had chosen peace and three of them were represented in the Constituent Assembly. The wave of economic terrorism had not changed his Government's determination to find a negotiated solution to the armed conflict. It had therefore reiterated its desire to hold talks, inside or outside the country, with representatives of the guerrillas and had accepted the presence of international observers to oversee the implementation of agreements.

59. The Government had recently established a special authority to strengthen the protection of judges and witnesses so that it would be possible to try and punish those responsible for crimes such as drug trafficking, terrorism, murder, political kidnapping, torture and armed insurrection. The new authority would be subject to special checks by the Attorney General's Office so as to avoid undue restrictions on the rights of persons placed on trial.

60. Other standards were designed to control situations which increased the possibility of violation of the rights of citizens by State officials. Although the initial response to measures taken by the previous Government against terrorism carried out by drug dealers and the paramilitary had been an increase in violence during the first half of 1990, it had been possible during the second half of the year to achieve a decline in the number of attacks against trade union leaders, leftist political activists and peasants.

61. Other measures had sought to strengthen the self-monitoring capacity of the State. In 1990 the Attorney-General's Office had been reorganized and the Attorney for Human Rights had been given investigatory powers for cases of torture, genocide, multiple murders and enforced disappearances. In the few months of its existence, that Office had carried out preliminary investigations and drawn up charges against a great number of State officials, some of whom had been found guilty.

62. Another Act gave certain powers to local omsbudmen in the field of human rights protection. The Ombudsmen had to be informed by all authorities of any case of detention within 24 hours of its occurrence and were empowered to visit detainees wherever they were held. The Office of the Attorney for Human Rights had formed a group for urgent action in cases involving complaints concerning disappearances. The Department of Criminal Investigation and the Attorney-General's Office had set up machinery to improve the efficiency of procedures to identify murder victims. Several of the above measures were the result of recommendations made by United Nations working groups which had visited the country in 1988 and 1989.

63. The leaders of the armed forces had strengthened the supervision of their men and had punished those guilty of human rights violations. Although they had not yet managed to eliminate impunity completely, a number of convictions had taken place. The national Government had used its discretionary power to retire high-ranking officers of the armed forces.

64. In 1987, the Supreme Court had withdrawn the power of the military courts to try civilians. It should also be pointed out that the internal regulations of the armed forces stressed the need to act within legal frameworks, especially with regard to the protection of civilians in areas of armed conflict.

65. The policy of the previous Government had resulted in a clear reduction in forms of violence attributed to rightist groups and aimed at trade union leaders and members of opposition groups. However, in 1990, violent action by drug traffickers against political leaders and State officials had become worse and the kidnapping of civilians and public officials by guerrillas and common criminals had increased.

66. Since August 1990, there had been a clear reduction in the number of political offences. The average number of political murders had declined from 79 per month in 1988 to 39 in 1989 and to 18 in August 1990. The average number of complaints concerning disappearances had dropped from 14 in 1989 to 5 in 1990.

67. The Government had tried to show that a significant proportion of political attacks, murders and enforced disappearance was the result of actions by organized crime and guerrilla groups. However, it recognized the existence of cases involving its own officials corrupted by drug traffickers or under the pressure from guerrilla warfare victims who sought unlawful reprisals or who used unlawful procedures in the struggle against common criminals or guerrillas. The Government had taken firm measures to prevent such offences and punish those responsible.

68. Various working groups and special rapporteurs of the Commission had visited Colombia, analysed the human rights situation in the country and submitted their recommendations. Those recommendations had been studied by his Government and put into practice in many instances. He thanked the various United Nations bodies for their assistance as well as the co-operation and technical assistance offered by the Governments of Canada and the Netherlands, which complemented the efforts being made by his Government.

69. Mr. MARKIDES (Cyprus) said that, for the past sixteen and a half years, the people of Cyprus had been suffering from a situation which constituted a grave breach of international law and of the international human rights instruments and United Nations resolutions. That was the result of the military invasion of Cyprus, a small and defenceless country, by its large neighbour, Turkey, in 1974 and the seizure and occupation of 37 per cent of its territory by Turkish armed forces.

70. As a result of that occupation, which was still continuing, Cyprus had been divided in two. The island's Greek Cypriot community, which constituted 82 per cent of the population, was segregated from the Turkish Cypriot community, representing the other 18 per cent, although the two groups had been intermingled before the invasion. Greek Cypriots who had been forced to flee their homes and properties in 1974 were still prevented from returning to them. The Turkish occupation army denied members of both communities freedom of movement and residence within the borders of Cyprus. There had been a concerted effort to change the demographic balance of the occupied territory with the large-scale transfer of settlers from Turkey. The fate of

missing persons had not been ascertained. The enclaved persons continued to be oppressed and their number was diminishing alarmingly. Cultural and religious monuments had been extensively pillaged and desecrated.

71. To date, Turkey was still refusing to withdraw its troops from Cyprus in contravention of numerous resolutions adopted by the Security Council and General Assembly, the Council of Europe, the European Parliament, the Movement of Non-Aligned Countries and the Commonwealth. Similarly, the rulings of the European Commission of Human Rights that Turkey had violated fundamental articles of the European Convention on Human Rights, both during and after the 1974 invasion, had fallen on deaf ears.

72. For its part, his Government was doing its utmost to promote a peaceful and just settlement. To that end, it fully supported the good offices mission of the Secretary-General to achieve a viable and lasting solution which would ensure the sovereignty, independence, territorial integrity, unity and non-alignment of Cyprus and protect the basic human rights and fundamental freedoms of all Cypriots. A solution was possible only on the basis of the United Nations resolutions and the high-level agreements. Regrettably, the Secretary-General was facing considerable difficulty in his efforts to carry out his mission because of the other side's failure to accept even the minimal human rights standards stipulated by the relevant international instruments.

73. In fact, Turkey had left the negotiating table and put forward provocative conditions for the resumption of talks which flagrantly contravened the relevant instruments and the Secretary-General's mandate. The Secretary-General had not accepted the Turkish demands and had referred the matter to the Security Council. The resolution then adopted by the Security Council, 649 (1990), which had again set the record straight, remained to be implemented.

74. Justice to the people of Cyprus was long overdue. The Commission should continue to be vigilant and to concern itself with the implementation of its resolutions on Cyprus and with the restoration of the human rights and fundamental freedoms of the people of that country. At its forty-sixth session, the Commission had decided that action was required to implement previous resolutions on the subject, including its most recent resolution, 1987/50. He regretted being unable to inform the Commission of any progress in that regard.

75. The 200,000 Greek Cypriot refugees were still being deprived of their homes and the occupying Power had recently begun to distribute unlawful "definitive titles" to their properties. The number of Turkish settlers to whom the properties of the evicted refugees had been given amounted to 80,000, and if the 35,000 Turkish soldiers were added to that figure, there were currently more Turkish settlers and soldiers confined in the occupied territory than Turkish Cypriots. In fact, the latter had been driven to emigrate by the thousands because of oppression by the settlers and the Turkish army. Those catastrophic developments demonstrated that Turkey had invaded Cyprus with the intention of staying.

76. Another tragic aspect of the continuing violations of human rights in Cyprus concerned the enclaved persons in the occupied area who, owing to discrimination and harassment by the occupation forces, had gradually been forced to leave their ancestral homes. Their number had been reduced

to 597 from the 20,000 who had remained in 1974 after the massive expulsion of Greek Cypriots. In the past two years, a large number of violent acts against enclaved Greek Cypriots had been reported, including robbery, assault, breaking and entering, and so on.

77. The question of missing persons had not yet been dealt with in a satisfactory manner. His Government continued to support the effective functioning of the Committee on Missing Persons, established in 1981 to provide convincing information to the families of those missing.

78. A solution to the Cyprus problem was feasible. All that was required was for the Turkish side to accept basic human rights and democratic rule. In the wake of the recent developments in Central and Eastern Europe, it was both tragic and anachronistic that Turkish troops should remain in Cyprus and that the island's people should be dispossessed of their homes and properties and face barriers to the free exercise of their rights.

79. A viable and just Cyprus settlement could not be based on a system of apartheid. Long-term amity, peace and stability could arise only from a federal settlement based on a philosophy of unity. All the United Nations resolutions on Cyprus, particularly Security Council resolutions 541 (1983) and 550 (1984), condemning the purported secession of the occupied territory of Cyprus and demanding its reversal, should be fully implemented.

80. Mrs. REGAZZOLI (Argentina) said that it was her fervent hope that there would be a prompt solution to the human rights situation in Cyprus on the basis of international law and, in particular, the main international human rights instruments. In that connection, she reaffirmed her delegation's support for the Secretary-General's good offices mission and hoped that it would ensure compliance with the United Nations resolutions on the subject and respect for the sovereignty, independence, territorial integrity and non-alignment of Cyprus.

81. The Commission, in its most recent resolution on the subject (1987/50), had emphasized the importance of the full restoration of all human rights to the population of Cyprus, in particular to the refugees, had considered attempts to settle any part of Varosha by people other than its inhabitants as illegal, and called for the tracing of and accounting for missing persons and for the restoration and respect of the human rights and fundamental freedoms of all Cypriots. She shared that view and further believed that the only definitive solution lay in the full acceptance by Greek and Turkish Cypriots of the idea that Cyprus was their common home.

82. The Secretary-General's good offices mission was the best means of persuading the leaders of the two communities to move towards a mutually acceptable solution based on the establishment of a federation that was bi-communal with regard to the constitutional aspects and bi-zonal with regard to the territorial aspects, as stipulated in the 1979 high-level agreement. At that time, the two communities had wisely rejected union in whole or in part with any other country and any form of partition or secession.

83. She was convinced that the changes taking place internationally would have a decisive influence on the achievement of a prompt and lasting solution which would ensure respect for the dignity and basic rights of Cypriots.

84. Mr. JAZIC (Yugoslavia) reaffirmed his full support to the people and Government of Cyprus in their efforts to maintain their independence, sovereignty, territorial integrity, unity and non-alignment. The final document on Cyprus adopted by the Ninth Conference of Heads of State or Government of Non-Aligned Countries had urged the Secretary-General to continue his good offices mission and appealed to all the parties concerned to co-operate fully in that undertaking. Unfortunately, there had been no progress so far in the intercommunal talks.

85. The situation of human rights in Cyprus had not improved over the past year. He felt strongly that a solution to the problem should be based on international law and the relevant United Nations resolutions, particularly Security Council resolutions 541 (1983) and 550 (1984) and the resolutions of the Commission.

86. He remained hopeful that the Secretary-General's efforts to achieve a negotiated settlement of all aspects of the Cyprus problem would prevail. The withdrawal of all occupation forces and settlers, the voluntary return of the refugees to their homes, respect for the human rights and fundamental freedoms of all Cypriots, including freedom of movement, freedom of settlement and the right to property, the reversal of all unilateral separatist actions and the cessation of attempts to alter the demographic structure of Cyprus were essential to a solution based on direct dialogue between the two communities. The Commission should insist on the implementation of resolution 1987/50.

87. Miss NAROVE (Madagascar) said that the rights and freedoms of the Cypriot people continued to be violated. The occupation was continuing, the refugees were prevented from returning to their homes, Cypriots were denied freedom of movement, freedom of settlement and the right to property, and the cultural heritage of the territory had not been respected.

88. She reaffirmed her delegation's support for the independence, sovereignty, territorial integrity and unity of Cyprus, as stipulated in the final document adopted by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade in September 1989, and called for the immediate implementation of the relevant United Nations resolutions on the subject in particular Security Council resolutions 542 (1983) and 550 (1984) and General Assembly resolution 37/253.

89. Her delegation supported the Secretary-General's good offices mission and hoped that negotiations would resume without delay.

90. Mr. CHABALA (Zambia) said that, despite the adoption by the General Assembly and Security Council of numerous resolutions on the question of Cyprus, no solution had yet been reached and the people of Cyprus remained deprived of their human rights and fundamental freedoms.

91. He recalled that, in its most recent resolution on the question of human rights in Cyprus (1987/50), the Commission had reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees; for the immediate cessation of attempts to settle any part of Varosha by people other than its inhabitants; for the tracing and accounting of missing persons without any further delay; and for the restoration of the human rights and fundamental freedoms of all Cypriots.

92. His delegation deeply regretted the fact that a just solution based on the principles of the Charter of the United Nations was still not in sight; and in particular, that no progress had yet been made in preparing an agreed outline draft agreement under the Secretary-General's mission of good offices, of the kind indicated in the report to the Commission (E/CN.4/1991/27), to form the basis of negotiations for an overall agreement.

93. A just solution to the question could be reached only through full implementation of the relevant resolutions and of international human rights instruments by the occupying forces. Clearly, the Government of Turkey was obliged to ensure respect for the cultural heritage in the occupied territory: the settlement in Varosha of people other than its inhabitants, and attempts to alter the demographic structure of Cyprus, were thus illegal. Clearly, too, a just solution would be facilitated by the implementation of the 1977 and 1979 high-level agreements between the leaders of the two communities, in which they had pledged themselves to establish a bi-communal Federal Republic of Cyprus, to safeguard its independence, sovereignty, territorial integrity and non-aligned status. Full co-operation by all parties, particularly the occupying forces, was crucial to that endeavour.

94. There could be no just solution to the question of Cyprus without the immediate withdrawal of all occupying forces and settlers. It was to be hoped that enforcement of the legitimate demand for that withdrawal would be facilitated by the prevailing preoccupation with similar situations, notably in the Gulf.

95. His delegation wished to reiterate its solidarity with the people and Government of Cyprus, and its support for the independence, sovereignty, territorial integrity, unity and non-aligned status of the country, as well as for the mission of good offices of the Secretary-General. The success of that mission would be determined by the extent of the co-operation of the parties involved and the enforcement of the relevant resolutions, especially those adopted by the Security Council.

96. His delegation had supported General Assembly resolution 45/170, condemning the violations of human rights following the invasion and occupation of Kuwait by Iraqi forces, and affirming the applicability to Kuwait of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. As in the case of Cyprus, the restoration of and respect for human rights and fundamental freedoms in Kuwait could be assured only by the withdrawal of the Iraqi forces in accordance with the relevant Security Council resolutions. His delegation wished to reaffirm the applicability, both to Kuwait and to Iraq, of the 1949 Geneva Conventions, particularly the Fourth Geneva Convention as well as of the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, which was particularly significant in the light of disturbing evidence of large numbers of innocent civilians, including women and children, killed in the massive bombings of Iraq in violation of those instruments. In that regard, his delegation reaffirmed its view that the objective of the Security Council resolutions pertaining to Kuwait was to bring about the withdrawal of Iraqi forces from Kuwait, and emphatically not to destroy Iraqi society, including its economic infrastructure and cultural heritage. He thus urged the States and forces concerned to ensure full respect for the safeguards established by the United Nations for the protection of civilians in armed conflicts.

97. The recourse to armed conflict had always been a matter for concern and regret to Zambia, which would have preferred to see a peaceful solution, thereby preventing unnecessary loss of life and the serious violations of human rights that prevailed in situations of armed conflict. Despite the onset of war, Zambia continued to favour an end to the hostilities and a peaceful resolution of the Gulf crisis on the basis of the objective clearly stipulated in the relevant resolutions.

98. The situations of human rights in Cyprus and in Kuwait underscored the need to resolve conflicts by peaceful means. They also highlighted the need for enforcement of relevant resolutions: failure to secure their implementation in the case of Cyprus had served to perpetuate human rights violations. Lastly, they underscored the need to accord equal treatment and identical standards to similar situations.

99. Mr. ROA KOURI (Cuba) said that the situation of human rights in Cyprus, the direct consequence of the invasion of the country in 1974 and of the subsequent military occupation by Turkey of a sizeable portion of its territory, continued to constitute a blatant violation of basic international legal principles, including those contained in Article 2 of the Charter of the United Nations.

100. The Commission, the Security Council, the General Assembly and the Summit Conferences of the Movement of Non-Aligned Countries had repeatedly condemned the acts that had led to the present situation, and had rejected the validity under international law of the attempt to convert the occupied territory into a "Turkish Republic of Northern Cyprus". Those same organs and bodies had expressed their concern at the policy of settlement and colonization encouraged by the occupying authorities, at the situation regarding more than a thousand persons who had disappeared since 1974, at the rights of persons displaced from the occupied territories, and had rejected any attempt to change the demographic structure of the Republic of Cyprus.

101. Unfortunately, there had been little change in the situation over the past year. The military occupation and de facto partition of the territory continued, as did attempts to validate the secession; there was still no news of the fate of those who had disappeared since the start of the occupation; and many of those displaced were still unable to exercise their rights to free movement and to return to their places of origin in safety. Nor, apparently, had there been an end to the attempts to settle Turks from the mainland. There could be no doubt that a just and lasting solution to the question required full implementation of basic rules of international law, ensuring respect for the sovereignty, independence, territorial integrity, unity and non-aligned status of the country, and guaranteeing full respect for the basic rights of both the Greek and the Turkish community, including preservation of the common cultural heritage of the people of Cyprus, which was also the heritage of all mankind. Those goals could be achieved only after an immediate withdrawal of all the occupying forces, followed by serious, ongoing dialogue between the communities and total support for the Secretary-General's mission of good offices. It was to be hoped that a just and lasting solution to the problem could be found in the year ahead.

102. Mr. BLAVO (Ghana) regretted that, despite the fact that the Commission had been considering the human rights situation in Cyprus since 1976, gross violations of the basic human rights and fundamental freedoms of the population continued and resolutions regarding refugees, displaced persons and changes in the demographic structure of Cyprus remained unimplemented. The question of Cyprus must be settled without further delay, by peaceful means, in accordance with the provisions contained in the Charter of the United Nations, in the relevant General Assembly resolutions, and in the resolutions of the Commission itself. In that regard, his delegation fully supported the Secretary-General's mission of good offices for a lasting solution to the Cyprus problem. He reiterated the call made by his delegation at the forty-sixth session, for meaningful, result-oriented, constructive and substantive negotiations between representatives of the two communities under the auspices of the Secretary-General.

103. As a member State of the Movement of Non-Aligned Countries, Ghana had had occasion to express its solidarity with and support for the people and Government of Cyprus, and for the unity, independence, territorial integrity and non-aligned status of the Republic of Cyprus, as well as for the restoration and safeguarding of the human rights of all Cypriots. The problem of human rights in Cyprus could be resolved only within that framework, and the Government of Ghana thus supported the continuation of the Secretary-General's mission of good offices.

104. Mr. EL-KHAZEN (Observer for Lebanon) said that Israel continued to occupy a part of southern Lebanon whose inhabitants accounted for 12 per cent of the country's total population. In that so-called "security region", Israel committed daily violations of human rights, and had trained, armed and supported a local force that was preventing the United Nations Interim Force from fulfilling its duties. That occupation was in flagrant violation of the norms of international law, and constituted a dangerous misinterpretation of the right of self-defence set forth in Article 51 of the Charter of the United Nations.

105. The Commission had expressed its grave concern at the situation in its resolution 1990/54. Nevertheless, Israel continued to violate the rights of Lebanese citizens in southern Lebanon. The report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) to the Security Council concerning the period from 25 July 1990 to 22 January 1991 described many instances of the shelling of villages, Palestinian camps and southern cities by the Israeli-backed "South Lebanon Army", which had resulted in many civilian deaths and injuries and extensive destruction of property. Lebanese citizens had been expelled from the security zone for no reason other than their refusal to participate in a local administrative body intended to serve the purpose of the occupying authorities. Israel was imposing exit and entry restrictions on Lebanese citizens in the occupied region. Its intelligence agents were detaining and kidnapping Lebanese citizens within the area controlled by UNIFIL, to have them tried before Israeli courts. Israel was interfering with and blocking the activities of the Lebanese authorities and UNIFIL, causing casualties and damage to UNIFIL equipment. It was building military roads in Lebanese territory, thereby preventing civilians from reaching their lands. It was expelling Palestinians from the occupied territories and deporting them to southern Lebanon against their wishes and despite the refusal of the Lebanese Government to receive them, in contravention of the provisions of article 49 of the Fourth Geneva Convention.

It was hampering the humanitarian activities of the International Committee of the Red Cross, preventing it from visiting detainees, and was refusing to implement the resolution adopted by the Commission the previous year, explicitly requesting Israel to facilitate the task of the ICRC and other humanitarian organizations and to enable them to visit detainees in the Al-Khyam and Marjeyoun detention centres and to ascertain their conditions of detention. Furthermore, it was ignoring the Secretary-General's request to submit information on the implementation of the resolution, as was borne out by the note by the Secretary-General dated 20 February 1991 (E/CN.4/1991/32).

106. An end must now be put to the Israeli occupation of southern Lebanon, in implementation of Security Council resolutions 425 (1978) and 508 and 509 (1982). Lebanon had recently begun to deploy units from the Lebanese army in the regions neighbouring the occupied territories. However, it was concerned that Israel might attempt to undermine the Government's efforts to reaffirm its position and to bring peace and stability to the country. He wished to express thanks to the International Committee of the Red Cross, to UNIFIL, and to all countries that had contributed assistance to the people of Lebanon.

107. His delegation appreciated and supported the Commission's efforts, which reflected the commitment of the United Nations to peoples and individuals and helped to preserve the unity of humanity in the face of suffering. His country's strong faith in human rights was reflected in its legislation and its humanitarian traditions. Lebanon was a victim of the conflict between military force, in all its forms, and the power of justice. It was time for the international community to put an end to the inhuman and illegal actions committed by Israel in defiance of international law and Security Council resolutions. Lebanon would submit a draft resolution to the Commission on that subject, and was confident that the Commission would no longer accept the fact that similar resolutions in the past had not had any effect.

108. Mr. MAXIM (Observer for Romania) said that the report by the Special Rapporteur on Romania (E/CN.4/1991/30), had been objective and encouraging. The opinion of a highly qualified, impartial and competent observer like Mr. Voyame would help Romania to analyse the problems facing it and focus its attention on the weakest points in its campaign to build a free and democratic society. Romania was aware that it was at the beginning of a long and difficult road, but the Romanian people had resolutely begun its transition to a new society, free of communist and collectivist ideology and based on respect for human rights and fundamental freedoms.

109. Mr. Nastase, the Romanian Minister for Foreign Affairs, had already told the Commission at its 27th meeting on 15 February 1991, of the progress the country had made since the revolution of December 1989 and the problems which still remained to be solved. His delegation had been gratified by the friendship and solidarity shown by many participants in the current session. The transition from a totalitarian régime to a pluralist and democratic society called not only for the destruction of the old dictatorship, but also for the building of entirely new structures. The unfamiliar problems facing the country would require time, patience, skill and resources, which were all in short supply in Romania at the moment. The Government's efforts were hampered not only by material and other difficulties, but by the pressures from all sides, both at home and abroad, to resolve all the problems inherited from the old régime at once.

110. In addition, Romania's transition to democracy and the rule of law had been hampered by the mental attitudes produced by 40 years of communist dictatorship and a complete lack of democratic political life in the country. The Romanian people had drawn the necessary conclusions from the faults and errors committed during the transitional period to ensure that there would be no recurrence. Today, Romania realized that a democratic and prosperous society was impossible unless the welfare and dignity of all members of society were respected.

111. Romania was resolved to work tirelessly towards a new society based on political pluralism, a market economy and respect for the rights and choices of every individual. There was still concern about the extent to which some minority groups in Romania benefited from the achievements of the revolution: he could only express his country's sincere wish that all the citizens of Romania, without distinction, should live in peace and harmony. Romania was aware that a divided society based on discrimination and intolerance had no prospects of success or survival. The problems which affected minorities would be progressively resolved as the country overcame its serious economic and social problems.

112. He wished, once again, to thank the Special Rapporteur for his excellent report and expressed the hope that his mandate would be extended. The Romanian Government was ready to continue its co-operation with the Special Rapporteur, the Commission and the Centre for Human Rights.

113. Mrs. ATTAH (Observer for Nigeria) said that Nigeria, as a member of the Commonwealth Action Group on Cyprus and the Non-Aliged Movement, was particularly concerned about the situation in Cyprus. Sadly, tension on the island had increased and the human rights situation had deteriorated since the last session of the Commission, as shown by the Secretary-General's report (E/CN.4/1991/27). The primary obstacle to the full observance of human rights in Cyprus was the occupation of part of the island by foreign forces. There could be no justification for the attempts to alter the demographic structure of parts of Cyprus, such as Varosha. The purported secession of the occupied territory was illegal and invalid, as the Security Council had declared. The occupation had led to widespread abuses, including the displacement of people, the confiscation of homes and property and the destruction of the Cypriot cultural heritage.

114. Her delegation believed that an inter-communal dialogue based on the 1977 and 1979 high-level agreements between the leaders of the Greek and Turkish communities in Cyprus was a prerequisite for a just, lasting and peaceful settlement of the problem. However, such a dialogue must be based on compliance with all United Nations resolutions on Cyprus, particularly Security Council resolutions 541 (1983), 550 (1984) and 649 (1990). All foreign forces and settlers must be withdrawn from the Republic of Cyprus immediately, refugees must be allowed to return to their homes in safety and all missing persons must be accounted for. The human rights of all Cypriots must be restored and respected. The parties to the inter-communal dialogue must take into account the principles of the Charter of the United Nations and the declarations made by the Non-Aligned Movement and the Commonwealth.

115. Her delegation commended the Secretary-General for his efforts to find a peaceful solution to the Cyprus problem and called upon both parties to co-operate with him and, in particular, to take note of the statement of understanding addressed to the two communities in paragraph 4 of the Secretary-General's report (E/CN.4/1991/27). She called upon the leaders of the two communities to negotiate in good faith and to refrain from actions which would exacerbate tension in the area.

116. Mr. PRZYGODZKI (Observer for Poland) said that the democratic Government established in his country in 1989 had taken the unequivocal position that human rights were not a domestic issue, but a legitimate interest and concern of the entire community of nations. Accordingly, human rights violations were treated as a breach of international law. That new approach had led to a comprehensive reform of the legal and political system, the adoption of the principle of solidarity with other countries as the basis for foreign policy and the launching of a process aiming at the direct applicability of international law within the domestic legal order.

117. Poland, a country which had effected the changeover from a totalitarian to a democratic system in a peaceful way, was sensitive to all human rights violations, including the right of nations to freedom. With regard to the shocking reports of the massive human rights violations resulting from Iraq's aggression against Kuwait, it considered that infringements of international law could not be regarded as justifiable or acceptable. The community of nations could not tolerate acts of aggression against a country or violations of human rights and humanitarian law; it must guarantee respect for those standards and defend itself effectively.

118. Poland regarded the Helsinki Final Act and the other documents adopted by the Conference on Security and Co-operation in Europe (CSCE) as a binding framework for the continent of Europe. Poland shared the international concern about human rights violations and the obstacles to national aspirations resulting from the use of force in the Baltic republics. Those concerns were increased by Poland's geographical, cultural and historical closeness to the Baltic republics. The Government of Poland had appealed to the parties involved to observe the Paris Charter of a New Europe and other CSCE resolutions and decisions. On 15 February 1991, the Foreign Minister had told the Sejm that force was no solution to the problems between the Baltic republics and the Soviet Government.

119. Poland's own experience had shown that failure to respect human rights and national aspirations merely served to delay a settlement of national problems and led to destabilization and human suffering. His country hoped that the promises made during the current session about respect for human rights, the right of nations to freedom and the punishment of those responsible for human rights violations would be fulfilled. His delegation also wished to emphasize that genuine respect for human rights involved the protection of minority rights.

120. Although new and flagrant human rights violations were occurring and called for appropriate action, the attention of the international community must not be directed away from long-standing situations, such as that in Cyprus, which had been on the Commission's agenda for the last 15 years. His delegation appreciated the Secretary-General's efforts to find a solution to the problem. Human rights were universal and indivisible; his Government

considered that the implementation of United Nations resolutions aimed at respect for human rights and fundamental freedoms all over the world was a matter of the highest priority.

121. Mr. BLAAUW (Liberal International) expressed his organization's appreciation of the work of the thematic mechanism and particularly of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteurs on summary or arbitrary executions, torture and religious intolerance. However, it was concerned about the failure of many Governments to respond adequately or at all to queries about potential violations in those areas. Governments must co-operate genuinely with the working groups and special rapporteurs concerned. For instance, visits to countries had proved articularly useful; it was unacceptable, however, that citizens should be prevented from communicating with a visiting special rapporteur, or persecuted for doing so.

122. In that context, he wished to refer to the activities of the Commission's Special Representative on the situation in the Islamic Republic of Iran. Although the Special Representative's latest report (A/45/697) had been more critical than the previous ones, his organization believed that the situation was much worse than the Special Representative had indicated, and felt that further investigation was essential.

123. His organization wished to draw attention to the resolution on Tibet adopted by the Congress of Liberal International calling for the appointment of a special rapporteur to investigate the situation in Tibet, which had shown no signs of improvement and was an example of the occupation of a neighbouring State by a great military Power.

124. His organization also believed that the linkage between human rights violations and the mass exodus of refugees should be further investigated. The United Nations Office for Research and Collection of Information should be encouraged to identify human rights violations which might lead to mass exoduses of refugees, and the Commission should encourage it to do so. There was also a need for an implementation mechanism for the 1951 Convention relating to the Status of Refugees. The Commission could fill that gap in the United Nations institutional framework.

125. His organization also wished to draw special attention to the hundreds of thousands of Cambodian refugees being cared for by the UNHCR and the ICRC, and the exodus of minorities from East Timor and Myanmar.

126. The international community must not ignore Iraq's violations of the 1949 Geneva Conventions. Even before the Gulf war, there had been widespread allegations of disappearances, detention without charge or trial, unfair trial, torture and summary executions. The violations committed by the Iraqi Government against Kuwaiti civilians and foreign nationals in Kuwait deserved special mention.

127. In Sri Lanka, where the legal order had collapsed, lawyers and judges had been endangered simply for attempting to apply the rule of law. Abuses had been committed by government forces and opposition groups alike, many victims being civilians guilty only of having a political opinion. Despite the large-scale abuses, there had been few prosecutions, and no convictions

of security personnel. The abduction and killing of the journalist Richard de Zoysa was but one example; his mother needed all help and protection in her fight for justice. The Government must be aware of the serious international concern about extrajudicial killings allegedly committed by certain groups linked to the State.

128. Soviet repression in the Baltic States warranted concern. The attacks on institutions occupied by democratically elected Governments, although allegedly to reclaim Communist Party ownership, had really been attacks on freedom of expression. The rounding-up of draft evaders violated the concept of conscientious objection, not recognized in Soviet law. The cold war could not be considered fully and permanently ended without full respect for human rights on both sides of what had once been called the "Iron Curtain". The understandable problems related to the Soviet Union's many national ethnic and religious groups did not diminish concern about human rights violations committed by majorities against minorities, or vice versa. Developments in the Soviet Union should be closely monitored.

129. The international community had long accepted that the Middle East's problems should be discussed at an international conference. The agenda for such a forum should include the Kurdish question; treatment of the Kurds by various Governments had been at variance with the Charter and the International Bill of Human Rights, to say the least; everyone had seen proof of the atrocities inflicted on that people.

130. Mr. Vasilenko (Ukrainian SSR) took the Chair

131. Mr. MULUMBA (Inter-African Union of Lawyers) said that it was through pressure exerted by his organization that the majority of African States had ratified the African Charter of Human and Peoples' Rights, an instrument to assist in Africa's emergence from retrograde practices and promote the full exercise of citizens' political, economic, social and cultural rights throughout the continent. Although the time to take stock was not ripe, developments in a number of countries testified to the influence of the Commission and relevant non-governmental organizations in supporting the efforts of African jurists and lawyers to establish a new order founded on democratic rule and human rights. His organization thanked all who had co-operated in such efforts, as a result of which a new wind of change was beginning to disturb the entrenched dictatorships whose programmes, behind a facade of patriotism, were aimed at maintaining power for a small élite.

132. His organization remained concerned about the fact that human rights continued to be violated with impunity. In Zaire, where dozens of Lubumbashi University students had been killed on the night of 11 May 1990, the Government authorities had made gigantic efforts to disguise the truth and allow the culprits complete impunity. It was time to speak out against the Government's prevarication in that regard. It was difficult, in any case, to see how a parliamentary inquiry into the matter could reach an objective conclusion when that body was under the control of a single party and its dissolution had been called for by almost all the other parties recently formed. It was clearly the Parliament's subservience to the Government which had made the latter feel secure enough to disdain the report drawn up by the regional assembly of the Shaba and to move to another office the Attorney-General of Lubumbashi, who would have been the subject of an inquiry.

The African Commission of Human and Peoples' Rights had not been authorized to conduct an inquiry in Zaire, for fear of becoming involved in deliberately orchestrated falsehoods. And as for the Zairian authorities' talk of a public inquiry, the outcome of any proceedings arranged by the very sources which had an interest in concealing the truth was bound to be questionable. The court at which preliminary hearings had been held had sought to have the incident recorded as a students' brawl; but to do so did not explain how the security services and high-ranking civilian and military personnel had come to be involved. In addition, procedures such as the commuting of charges, the release of certain persons involved in the event, such as the Rector of the University and an engineer of the national electricity company, before the case had been due to be heard by the Supreme Court of Justice, and the arrest and prosecution of the lawyer who was to have presented the complaints, showed how the authorities were attempting to cover their tracks and ensure that any inquiry would result in the sort of findings they wished to be able to show the world. But the Government's seeming victory would be at the expense of bereaved parents and a traumatized nation.

133. Impunity had likewise been accorded to those responsible for violations against political and legal figures such as the human rights lawyer Kadima Kalala, members of the Lawyers' Committee of the United States, and Joseph Elio, the 70-year-old President of the Democrat and Socio-Christian Party - to mention but a few names from a long list of victims.

134. The Commission should not relax its efforts to ensure respect for human rights, and should not be dissuaded by certain Governments whose words sadly were at variance with their deeds. His organization, like other non-governmental organizations, regretted the recourse to confidential procedures, pursuant to Council resolution 1503 (XLVIII), which provided a shield for countries which persistently violated human rights. It hoped, nevertheless, that all would co-operate towards the establishment of a new legal order in Africa. But the dictators in power had not yet had their final say. They still had recourse to the tactic of sham legal procedures through which they hoped to hoodwink the international community. The Inter-African Union of Lawyers was striving to build a rampart against such abuses, and to ensure that those who resorted to the practices described would be ensnared in their own devices.

135. Mr. KHAN (Pakistan) said that his Government had been pleased to assist the Special Rapporteur on the situation of human rights in Afghanistan. With reference to subparagraph 24 (a) of the relevant report (E/CN.4/1991/31), concerning the return of refugees, his delegation was not aware of any turning back of 10,000 Afghan families from Nangrahar. Such a large number could not have gone undetected; and it seemed strange that they should have chosen to go to Kunar rather than to adjoining districts which hosted most refugees of Nangrahar origin. Moreover, the fact that 7,000 Afghan nationals fleeing from Kuwait had chosen to go to Pakistan, not to Afghanistan, seemed at variance with contentions about opposition to refugees.

136. Pakistan remained fully committed to co-operating with the United Nations-sponsored pilot project for the voluntary return of refugees. The fact that only 60,000 to 70,000 refugees had hitherto availed themselves of the opportunity was due mainly to the lack of resettlement facilities in Afghanistan, the hazards arising from the current conflict, including raids of the sort referred to in paragraphs 30 and 58 of the report, and the even

greater danger stemming from the remaining minefields, which the regular Kabul-Soviet armies had laid and must be systematically removed as a matter of urgency. The unfortunate incident referred to in paragraph 28 of the report, in which the property of the international volunteer relief organization "Shelter Now International" had been lost, had resulted from the impression gained by some sections of the refugees that the NGO's activities went against their conservative cultural traditions. Nevertheless, the Government had taken a serious view of the matter and had fully compensated the NGO for the losses incurred. Pakistan had allowed over 70 NGOs to work among the refugees, and the incident reported had been the only such occurrence in over 10 years. Therefore, the conclusion, in subparagraph 89 (e), that refugees' right to life and security had been endangered was incorrect and tendentious. Moreover, the observation made in paragraph 86 required further study and correction since, to the best of his delegation's knowledge, the Afghan Interim Government's election plan did not preclude women's participation in elections. With regard to paragraph 70, he reaffirmed that Pakistan regarded the issue of Soviet prisoners-of-war as a purely humanitarian one, and was making every effort to secure their release; it believed that direct dialogue between the Soviet authorities and the Afghan Interim Government as well as other Mujaheddin groups would help to solve the problem.

137. Pakistan was deeply concerned at the decline in international assistance to refugees. For the current year alone it would be forced to release nearly 200,000 tonnes of wheat from its own reserves to feed them. Developments elsewhere must not distract the world community's attention from its humanitarian responsibility.

138. The human rights situation in Afghanistan must be viewed in the context of the long foreign military intervention and consequent persistent conflict in that country. The key to a solution lay in the establishment of a broadly-based government acceptable to the vast majority of Afghans; that was also the crux of the resolutions adopted by the General Assembly following signature of the Geneva Agreements in 1988. As the Special Rapporteur had rightly emphasized, only a political settlement could remove the hardships being faced by Afghans inside and outside Afghanistan.

139. With regard to the question of human rights in Cyprus, a solution could be achieved through talks between the Greek and Turkish Cypriot communities on the basis of equality; Pakistan supported Security Council resolution 649 (1990) which, inter alia, provided for the establishment of a federation that would be bi-communal in constitutional aspects and bi-zonal in territorial aspects.

140. Mr. MOHAMMED (Iraq) said that the turn of events in the Gulf had confirmed the falseness of the claims made by the United States of America and its allies about the protection of human rights in the region, and had confounded all the efforts they had made, using all the vast material and media sources at their disposal, to vilify someone else - as they had done at every session of the Commission, hitting out at the socialist countries of eastern Europe, afterwards at Cuba, and currently at Iraq. The aim of the United States imperialists, the Zionists and their allies was to extend their hegemony over the Gulf region; but having encountered one Muslim country whose will could not be destroyed, their full fury had been unleashed, venting itself first through economic warfare and then, when that had failed, through military force. The discredited Kuwaiti régime had played its part by manipulating oil

prices to their lowest recorded level in an attempt to destroy Iraq's economy. The aggressive aims of the oil sheiks had been amply recorded, inter alia, in document E/CN.4/1991/74. The events of August 1990 were not as portrayed by the United States aggressors and their puppets; what had taken place was an Islamic uprising against imperialism and its alliance with zionism, whose ultimate aims, discernible from the outset, had led to one of the most pernicious campaigns in history, involving the full panoply of materials and methods at their disposal in furtherance of their hegemonistic aims, even including the use of pressure on the United Nations to adopt unrealistic and discreditable resolutions at variance with the justice of the Arab cause.

141. The fabricated claim that Iraq had violated human rights in Kuwait was part of a campaign on which the Kuwaiti régime had spent millions of dollars in order to injure Iraq's reputation and pave the way for the launching of military aggression against it. The false allegations made to the Commission by the representative of the Al-Sabah family had been made in the same context and designed to attract the Commission's sympathy. The actions falsely attributed to Iraq were practices to which Kuwaitis had been accustomed from their own sheikhs. The Al-Sabah family was being defended by the United States and Israel for the sake of its wealth, so long as that lasted. The former Kuwaiti régime would be willing to see a world conflagration if that would enable it to return to rule over the whole of Kuwait. Its so-called Minister for Foreign Affairs had said that the former régime would support the use of chemical and nuclear weapons against Iraq in order to implement the provisions of international law, and the Speaker of the former Kuwaiti National Assembly had told the press that Kuwaitis abroad would not care about the destruction of the region, including Kuwait itself, if that was the price that had to be paid for their return. That meant that 250,000 people could be expended to enable the Al-Sabah family to resume its rule.

142. Isolated events had taken place to force the military command in Iraq to adopt some necessary laws and regulations to ensure respect for the law in the former Kuwaiti territory by imposing capital punishment on anyone who violated lives or property. Such incidents had indeed occurred throughout the world.

143. It was strange to see the United States of America and the States of Western Europe defending the interests of the Kuwaiti sheikhs as if the world had forgotten the time when the Western media had been accustomed to reporting on the evils of those sheikhs and the backwardness of their régimes and when those States had considered the behaviour of the oil sheikhs detrimental to Arab citizens and to other Arab régimes. The Western press had made much of the fact that Jabar el Ahmed had married 78 women and was unable to recognize all his children and of the fact that the vast wealth expended by the sheikhs would have been sufficient to feed thousands of hungry people throughout the world. Iraq agreed with those comments but found it surprising that they could now be forgotten, that Western representatives could appear in the Commission in defence of such backward régimes and that the West could use the Kuwaiti cause in order to injure Iraq. That opportunistic attitude, based on a selective double standard and a distortion of the principles of human rights, would have the most harmful effects on human rights prospects throughout the world.

144. Mr. AL-THANI (Observer for Qatar) said that, at a time when international relations were marked by a search for peace and co-operation, the alleviation of tension and a move towards détente, and when all countries were striving to guarantee the enjoyment of human rights as a matter of absolute priority, it had been hoped that the last decade of the century would have seen a reduction in violations of human rights and fundamental freedoms and that there would be no further need for the items under discussion to remain on the Commission's agenda.

145. Those hopes, however, seemed to be far from realization. On the contrary, the number of abuses had increased. The latest act in the tragedy had begun with Iraq's invasion of Kuwait contrary to accepted international relations and in violation of the values enshrined in the Charter of the United Nations. Iraq had underestimated the reaction of the international community. The time had passed when any strong country could with impunity invade a weaker neighbour. All countries large or small now had the same rights and the same duties under international law. Iraq's aggression against Kuwait was a glaring example of aggression by a strong country against a weaker one with a view to seizing its wealth and distorting the principles of international law by fabricated pretexts. The right of the invaded country to defend itself was an undeniable principle of international law. Iraq was endeavouring to destroy Kuwait's political identity, disregarding the feelings of its people and flouting the aspirations of the Arab nation in order to justify unilateral expansionist aims. Its attempt to annex Kuwait and remove it from the geopolitical map was contrary to the provisions of the Charter of the League of Arab States. It had dealt a blow to Arab fraternity, shattered the tacit embargo on the use of arms by one Arab State against another and created an unprecedented feeling of hostility among the Arab peoples. The international community's action under the relevant Security Council resolutions was aimed solely at liberating Kuwait and ensuring respect for universal human rights and for the relevant international instruments. In invading Kuwait, Iraq had broken its commitment as a member of the United Nations, the League of Arab States and other Islamic organizations and of the Movement of Non-Aligned Countries as well as its commitments under the International Covenant on Civil and Political Rights. Its human rights violations had included the arbitrary arrest and detention of thousands of civilians and military personnel, mass torture and capital punishment, all of which had been reported by Amnesty International. Such large-scale violations of human rights had always been condemned in the past, as in the case of Israel's violations in the Arab territories under its occupation, but he would never have dreamt that he would find it necessary to condemn serious violations committed by Arab forces who had invaded the territory of a fraternal Arab country. Amnesty International had stated that systematic torture was being inflicted on detainees by high-ranking Iraqi officers, common soldiers and secret service agents in order to extract information, and that those detainees were denied any kind of care. The international community would not shirk its duty with respect to those serious violations. It had been reported in the mass media that 200 people had been executed merely for endeavouring to protect their property. The Commission must call for the punishment of those responsible for such human rights violations. It was to be hoped that the Iraqi régime would come to see reason and withdraw unconditionally from occupied Kuwait so that Kuwaiti citizens, under their legitimate leader, the Sheikh of Kuwait, could return to their homeland and the region could be spared further destruction.

146. Mr. SEMICHI (Observer for Algeria) said that the discussions to which the question of Cyprus gave rise showed the deep concern of Governments at the seriousness of the situation in a Mediterranean country which, by a combined accident of history and geography, could offer the rest of the world a picture of harmony revealed in the cultural diversity inherited by the two communities that comprised the Cypriot population.

147. Because of the specific nature of its mandate and the role entrusted to it, the Commission was endeavouring to highlight the need for ensuring the full restoration of all human rights for the Cypriot population as a whole. His delegation welcomed the report of the Secretary-General (E/CN.4/1991/27), submitted in accordance with Commission decision 1990/104, and wished to express its full support for its conclusions.

148. Algeria had consistently expressed its unswerving support for respect for the rights of the entire Cypriot population without any distinction, and had made clear its preference for a negotiated settlement firmly based on respect for the national sovereignty, independence and territorial integrity of Cyprus and on preservation of the unity of the Cypriot people.

149. At the Commission's last session, his delegation had expressed the hope that the dialogue entered into by the Secretary-General through the mission of good offices to the leaders of the Cypriot, Greek and Turkish communities, entrusted to him by the Security Council, could lead to the restoration of confidence with a view to the settlement of differences that could not fully serve the interests of the population itself.

150. In carrying out his mission of good offices, the Secretary-General was undeniably helping to facilitate exchanges between the leaders of the two communities, thus encouraging the advent of a federal republic of Cyprus which, in accordance with the commitments entered into by those leaders through earlier agreements, and recalled in Security Council resolution 649 (1990), would be a bi-community republic and would preserve the country's independence, sovereignty, territorial integrity and non-alignment. Any form of partition of or secession would thus be ruled out. The Secretary-General's report drew attention, however, to some conceptual difficulties that might arise when the efforts made throughout the long process from the time of the high-level agreements between the leaders of the two communities to the Secretary-General's present mandate were on the point of succeeding. Any delay affecting the favourable outcome of the Secretary-General's plan of action for the formulation of an overall agreement would have direct consequences on the human rights situation of the Cypriot people. At that stage, therefore, the parties concerned must be encouraged to overcome the difficulties to support the Secretary-General's efforts by co-operating fully with him in the formulation of an overall agreement within the established time frame. Such a negotiated settlement of the problem would unquestionably facilitate the effective implementation of international instruments aimed at respect for and protection of human rights in Cyprus. Lastly, he reaffirmed his delegation's preference for a solution that would preserve the unity of the Cypriot people in a reconciled and reunited country. It was in the same conviction that, within both the United Nations and the Movement of Non-Aligned Countries, his country had constantly defended the inalienable right of peoples in general and of the Cypriot people in particular to self-determination.

151. Algeria's willingness to participate in promoting a just and final solution to the tragedy experienced by the Cypriot people was not based on considerations of affinity with one community or the other or on a selective view of the problem but on its steadfast attachment, everywhere and in all circumstances, to settlements that could not thwart peoples in their constant and indestructable sense of justice and freedom. The Cypriot people had a right, which the international community must help it to realize, to respect for its legitimate national aspirations to live in a country finally freed from all the problems of an injurious inter-community crisis and from a territorial division that greatly impeded the emanicipation of a Mediterranean non-aligned country situated at the cross-roads of cultures and of exchanges among nations. Both in the United Nations and in the Non-Aligned Movement, Algeria had consistently expressed its solidarity with the people of Cyprus and its friendship for both components of the Cypriot population, based on unfailing respect for their inherited civilizations in a Mediterranean setting that was seen more than ever before as a meeting point of cultural pluralities, united in a world in search of harmony and peace.

152. Mrs. ATTAH (Observer for Nigeria), speaking in exercise of the right of reply, said that the observer for the Libyan Arab Jamahiriya had made a number of allegations at the previous meeting about the treatment of 600 Libyan prisoners of war, who had passed through western Nigeria in the custody of United States officials. It was true that Nigeria had granted transit permits for the prisoners concerned, but during their brief stay in Nigeria they had had the status of refugees. The Libyan Minister for Foreign Affairs had subsequently held talks with the Nigerian President and received a full explanation of the incident; the Minister had subsequently expressed himself satisfied with the talks. Her delegation had, therefore, been surprised to hear the Libyan observer's allegations, and she wished, once again, to deny categorically that the Libyan prisoners of war had been badly treated during their time in Nigeria.

153. Mrs. KIRONGOZI (Observer for Zaire), speaking in exercise of the right of reply, said that her country rejected all the unfounded allegations made against it at the previous meeting by the observer for the Libyan Arab Jamahiriya concerning the so-called maltreatment of 600 Libyan prisoners during their transit through Zaire. Those prisoners had been received as refugees in her country and the Libyan Minister for Foreign Affairs had visited Zaire to investigate the situation. Visits had also been made by a number of Red Cross delegates. Zaire respected its international commitments and had treated the Libyan prisoners in the same way as it treated other refugees in its territory.

154. She would reply at the next meeting to the charges made by the Inter-African Union of Jurists.

155. Mr. MOHAMMED (Iraq), speaking in exercise of the right of reply, said that the representative of France had repeated the unfounded allegations against his country made by the delegations of France's allies. One of the most remarkable aspects of the current crisis was France's affiliation with the United States of America, with which it had hitherto been at variance on Arab world issues and their causes. The French representative had spoken at length about human rights violations, but had omitted to mention the suffering of the Palestinians and the denial of their most basic human rights at the

hands of Israel, France's current ally. Anyone speaking of human rights must refer first to his own case. He wished to remind the French representative of the crime perpetrated against the Algerian people, who had attained their independence at the cost of a million lives. New Caledonia, which was still under French occupation, was suffering human rights violations and a number of its people had been killed. He also wished to remind the French delegation of the human rights violations in Iraq when France had participated with its allies in the killing of hundreds of innocent people.

156. As for the statement by the representative of the Sheikh of Qatar, he wished to draw his attention to a verse of Arabic poetry which said in effect that an insult from an inadequate person proved that the insulted person was a person of complete integrity.

The meeting rose at 9.05 p.m.